

Introduced by Senator Corbett

January 25, 2007

An act to amend ~~Section 70374~~ Sections 70321, 70374, and 70402 of the Government Code, relating to court facilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 145, as amended, Corbett. Court facilities.

~~Existing~~

(1) Existing law requires the Judicial Council, in consultation with the superior court of each county and the county, to enter into agreements concerning the transfer of responsibility for court facilities from that county to the Judicial Council. Transfer of responsibility may occur not earlier than July 1, 2004, and not later than June 30, 2007.

This bill would extend the deadline for the transfer of responsibility for court facilities to December 31, 2008. The bill would make related, conforming changes.

(2) Existing law creates the State Court Facilities Construction Fund, which is financed by certain state court construction penalty assessments, parking surcharges, and filing fee surcharges on civil actions, as specified. Existing law provides that the money in this fund may only be for specified purposes, which include the acquisition, rehabilitation, construction, and financing of court facilities, as defined.

This bill would correct an erroneous cross-reference in these provisions.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~²/₃. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 70321 of the Government Code is
2 amended to read:
3 70321. The Judicial Council, in consultation with the superior
4 court of each county and the county, shall enter into agreements
5 concerning the transfer of responsibility for court facilities from
6 that county to the Judicial Council. The agreements shall be
7 negotiated between July 1, 2003, and ~~June 30, 2007~~ December 31,
8 2008, inclusive. Transfer of responsibility may occur not earlier
9 than July 1, 2004, and not later than ~~June 30, 2007~~ December 31,
10 2008. On or before July 1, 2003, each county shall designate those
11 persons who shall negotiate the agreements on behalf of the county
12 and shall give the Judicial Council the names of those persons.
13 The name of a person designated by a county to negotiate on its
14 behalf may be changed by the county at any time by providing
15 written notice to the Judicial Council.
16 ~~SECTION 1.~~
17 SEC. 2. Section 70374 of the Government Code is amended
18 to read:
19 70374. (a) The Judicial Council shall annually recommend to
20 the Governor and the Legislature the amount proposed to be spent
21 for projects paid for with money in the State Court Facilities
22 Construction Fund. The use of the appropriated money is subject
23 to subdivision (l) of Section 70391.
24 (b) Acquisition and construction of court facilities shall be
25 subject to the State Building Construction Act of 1955
26 (commencing with Section 15800) and the Property Acquisition
27 Law (commencing with Section 15850), except that, (1)
28 notwithstanding any other provision of law, the Administrative
29 Office of the Courts shall serve as an implementing agency upon
30 approval of the Department of Finance, and (2) the provisions of
31 subdivision (e) shall prevail. Acquisition and construction of
32 facilities are not subject to the provisions of the Public Contract
33 Code, but shall be subject to facilities contracting policies and
34 procedures adopted by the Judicial Council after consultation and
35 review by the Department of Finance.

(c) Money in the State Court Facilities Construction Fund shall only be used for either of the following:

(1) To acquire, rehabilitate, construct, or finance court facilities, as defined by subdivision (d) of Section 70301.

(2) To rehabilitate one or more existing court facilities in conjunction with the construction, acquisition, or financing of one or more new court facilities.

(d) Twenty-five percent of all money collected for the State Court Facilities Construction Fund from any county shall be designated for implementation of trial court projects in that county. The Judicial Council shall determine the local projects after consulting with the trial court in that county and based on the locally approved trial court facilities master plan for that county.

(e) The following provisions shall prevail over provisions of the State Building Construction Act of 1955 (Part 10.6 (commencing with Section 15800) of Division 3 of Title 2) in regard to buildings subject to this section.

(1) The Administrative Office of the Courts shall be responsible for the operation, including, but not limited to, the maintenance and repair, of all court facilities whose title is held by the state. Notwithstanding Section 15807, the operation of buildings under this section shall be the responsibility of the Judicial Council.

(2) Notwithstanding Section 15808.1, the Judicial Council shall have the responsibility for determining whether a building under this act shall be located within or outside of an existing public transit corridor.

(3) The buildings under this section are subject to Section 15814.12 concerning cogeneration and alternative energy sources at the request of, or with the consent of, the Judicial Council. Any building acquired by the state pursuant to this section on or before July 1, 2007, is not subject to subdivision (b) of Section 15814.12 concerning acquiring of cogeneration or alternative energy equipment if the building when acquired, already had cogeneration or alternative energy equipment. Section 15814.17 only applies to buildings to which the Judicial Council has given its consent under subdivision (a) of Section 15814.12.

SEC. 3. Section 70402 of the Government Code is amended to read:

70402. (a) Any amount in ~~either~~ a county's courthouse construction fund established by Section 76100, a fund established

1 by Section 70622 in the County of Riverside, a fund established
2 by Section 70624 in the County of San Bernardino, ~~and~~ or a fund
3 established by Section 70625 in the City and County of San
4 Francisco, shall be transferred to the State Court Facilities
5 Construction Fund at the later of the following *dates*:

6 (1) The date of the last transfer of responsibility for court
7 facilities from the county to the Judicial Council or ~~June 30, 2007~~
8 *December 31, 2008*, whichever is earlier.

9 (2) The date of the final payment of the bonded indebtedness
10 for any court facility that is paid from that fund is retired.

11 (b) If the responsibility for one or more facilities does not
12 transfer, the county's courthouse construction fund shall retain
13 that portion of the total money in the fund as the square footage
14 of the facilities that do not transfer bears to the total square footage
15 of court facilities in that county.

16 *SEC. 4. This act is an urgency statute necessary for the*
17 *immediate preservation of the public peace, health, or safety within*
18 *the meaning of Article IV of the Constitution and shall go into*
19 *immediate effect. The facts constituting the necessity are:*

20 *The current deadline for the transfer of responsibility for court*
21 *facilities to the state pursuant to Chapter 1082 of the Statutes of*
22 *2002 will not be met. In order to allow continued negotiation and*
23 *the completion of that transfer, it is necessary that the deadline of*
24 *June 30, 2007, be extended to December 31, 2008.*